



Jaclyn M. Metzinger

Kelley Drye & Warren LLP
3 World Trade Center
175 Greenwich Street
New York, NY 10007

Tel: (212) 808-7843

Fax: (212) 808-7897

March 28, 2025

By ECFHon. Pamela K. Chen
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201Re: *Wilmington Trust, N.A. v. Segal and John Hancock Life Insurance
Company of New York*, 21-cv-01540-PKC-TAM

Dear Judge Chen:

The undersigned represents Wilmington Trust, N.A., as securities intermediary for Geronta Funding ("Wilmington"), as well as John Hancock Life Insurance Company of New York ("John Hancock") (collectively, the "Parties"), in the above-captioned case. We submit this joint letter in response to Your Honor's March 21, 2025 Order and after meeting and conferring on March 27, 2025¹ concerning the issues discussed therein. (ECF-107.)

First, both Wilmington and John Hancock have agreed to forgo filing motions for summary judgment at this juncture and consent to proceed directly to trial.

Second, both Parties are available for trial during the date ranges:

- September 9, 2025 through September 12, 2025.
- September 15, 2025 through September 19, 2025.
- October 20, 2025 through October 24, 2025.
- October 27, 2025 through October 30, 2025.

The parties anticipate that this trial will take no more than three days of trial time. If the Court is not available for a trial during any of these weeks, the Parties will discuss further windows of availability for trial in accordance with this Court's calendar.

Third, the Parties discussed, but have not yet reached agreement on, whether the limited issues to be initially tried as part of this proposed bifurcated proceeding should proceed as a jury or bench trial. The Parties' respective positions are below.

¹ Defendant Herman Segal was invited to attend this meeting, but declined to participate.

Honorable Pamela K. Chen
March 28, 2025

Wilmington's position is that although Wilmington has exercised its right to a jury trial, Wilmington is considering agreeing to a bench trial. Nevertheless, Wilmington needs until April 15, 2025, to ensure that the decisionmakers on this issue have been fully informed and able to make informed decisions. Wilmington, therefore, respectfully requests until April 15, 2025, to supplement this letter on this particular issue.

John Hancock's position is that this Court should first conduct a bench trial of Wilmington's claim against John Hancock, and then proceed with a jury trial of Wilmington's claims against Mr. Segal, if necessary. Wilmington has only asserted a single equitable claim for declaratory judgment against John Hancock, and therefore is not entitled to a jury trial on that claim. If the Court is inclined to order a jury trial of Wilmington's claim against John Hancock, we request an opportunity to brief both Plaintiffs' entitlement to a jury trial as well as the propriety of bifurcation under these circumstances. Indeed, bifurcation would only serve efficiency if the bench trial against John Hancock precedes—and potentially obviates the need for—a jury trial against Mr. Segal.

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ Jesus E. Cuza

Jesus E. Cuza

Jesus E. Cuza (admitted *pro hac vice*)
Rebecca Canamero (admitted *pro hac vice*)
701 Brickell Avenue, Suite 3300
Miami, FL 33131
Phone: (305) 374-8500
jesus.cuza@hklaw.com
rebecca.canamero@hklaw.com

*Attorneys for Plaintiff Wilmington
Trust, N.A., as securities
intermediary for Geronta Funding*

KELLEY DRYE & WARREN LLP

/s/ Jaclyn M. Metzinger

Jaclyn M. Metzinger

Jaclyn M. Metzinger
Caitlin Hickey
Steven W Schlesinger
3 World Trade Center
175 Greenwich Street
New York, New York 10007
Phone: (212) 808-7800
jmetzinger@kelleydrye.com
chickey@kelleydrye.com
sshlesinger@kelleydrye.com

*Attorneys for Defendant John
Hancock Life Insurance Company of
New York*